

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

LORI ANN YANCEY, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
)	
vs.)	No. 3:04-556
)	No. 3:04-610
MARTY CARSON, <i>et al.</i> ,)	Varlan/Shirley
)	
Defendants.)	

**PLAINTIFFS' RESPONSE TO DEFENDANTS' IN LIMINE MOTION
REGARDING RICHARD QULIA**

Comes now the Plaintiffs and responds in opposition to the motion in limine concerning the expert testimony of Richard Qulia. Plaintiffs would show as follows:

1. In addition to the training and experience Defendants cite, Mr. Qulia has experience training state and federal law enforcement officers.

2. F.R.Evid. Rule 704(b) prohibits expert opinions regarding the defendant's mental state only in criminal cases. By implication, such opinions are admissible in civil cases.

3. Even if the three challenged opinions are excluded, Mr. Qulia is clearly competent to testify about his investigation as stated in his report.

Respectfully submitted this 27th day of September,
2007.

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CERTIFICATE OF SERVICE

I hereby certify that on the date above written, a true and correct copy of the foregoing was filed electronically and notice of filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system. All other parties will be served by U.S. Mail.

s/David S. Wigler